

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

TIMOTHY WENDELL GRIMALDI,

Plaintiff,

vs.

JAMES COX, *et al.*,

Defendants.

Appeal No. 11-16501

2:11-cv-00802-KJD-PAL

**ORDER**

This is a closed prisoner civil rights action brought pursuant to 42 U.S.C. § 1983. On May 26, 2011, this Court dismissed this action for failure to state a claim for which relief may be granted. (ECF No. 3). Judgment was entered on the same date. (ECF No. 4). Plaintiff filed a notice of appeal on June 14, 2011. (ECF No. 5). The United States Court of Appeals for the Ninth Circuit assigned the appeal number 11-16501. (ECF No. 7).

On June 20, 2011, the Ninth Circuit Court of Appeals referred this matter to this Court for the limited purpose of determining whether *in forma pauperis* status should continue for the appeal or whether the appeal is frivolous or taken in bad faith. (ECF No. 8). On careful review, this Court certifies that any *in forma pauperis* appeal from its order would not be taken “in good faith” pursuant to 28 U.S.C. § 1915(a)(3).

1       **IT IS THEREFORE ORDERED** that this Court **CERTIFIES** that any *in forma pauperis*  
2 appeal from its order dated May 26, 2011 (ECF No. 3) would **not** be taken “in good faith” pursuant  
3 to 28 U.S.C. § 1915(a)(3).

4       **IT IS FURTHER ORDERED** that the Clerk of Court **SHALL SEND** this order to the  
5 United States Court of Appeals for the Ninth Circuit.

6       DATED: June 22, 2011



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10 UNITED STATES DISTRICT JUDGE  
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